

1 AMENDMENT TO SENATE BILL 354

2 AMENDMENT NO. _____. Amend Senate Bill 354 by replacing
3 everything after the enacting clause with the following:

4 "Section 1. Short title. This Act may be cited as the
5 Registered Surgical Assistant and Registered Surgical
6 Technologist Title Protection Act.

7 Section 5. Legislative purpose. Given the nature of the
8 surgical assistant's and surgical technologist's roles in the
9 operating room and the implications for patient safety and
10 quality care, it is in the public interest to ensure that
11 qualified personnel accomplish these roles. The purpose of
12 this Act is to protect and benefit the public by setting
13 standards of qualifications, education, training, and
14 experience for those who seek to hold the title of registered
15 surgical assistant and registered surgical technologist.

16 Section 10. Definitions. As used in this Act:

17 "Board" means the Board of Perfusion and Surgical
18 Assisting.

19 "Department" means the Department of Professional
20 Regulation.

21 "Direct supervision" means supervision by an operating

1 physician who is physically present and who personally
2 directs delegated acts and remains immediately available to
3 personally respond to an emergency until the patient is
4 released from the operating room or care and has been
5 transferred to another physician.

6 "Director" means the Director of Professional Regulation.

7 "Physician" or "operating physician" means a person
8 licensed to practice medicine in all of its branches under
9 the Medical Practice Act of 1987.

10 "Registered surgical assistant" means a person who (i) is
11 not licensed to practice medicine in all of its branches,
12 (ii) is certified by the National Surgical Assistant
13 Association on the Certification of Surgical Assistants, the
14 Liaison Council on Certification for the Surgical
15 Technologist as a certified first assistant, or the American
16 Board of Surgical Assisting, and (iii) is registered under
17 this Act. A surgical assistant may provide aid to operating
18 physicians in exposure, hemostats, and other technical
19 functions as described in Section 50 of this Act that will
20 help an operating physician to perform a safe operation with
21 optimal results for the patient.

22 "Registered surgical technologist" means a person who (i)
23 is not a physician licensed to practice medicine in all of
24 its branches, (ii) is certified by the Liaison Council on
25 Certification for the Surgical Technologist, and (iii) is
26 registered under this Act to facilitate the safe and
27 effective conduct of invasive surgical procedures. A
28 surgical technologist may ensure that the operating room or
29 environment is safe, that equipment functions properly, and
30 that the operative procedure is conducted under conditions
31 that maximize patient safety. A surgical technologist shall
32 possess expertise in the theory and application of sterile
33 aseptic technique and combines the knowledge of human
34 anatomy, surgical procedures, and implementation tools and

1 technologies to facilitate the operating physician's
2 performance of invasive therapeutic and diagnostic
3 procedures.

4 Section 15. Powers and duties of the Department.

5 (a) The Department shall exercise the powers and duties
6 prescribed by the Civil Administrative Code of Illinois and
7 shall exercise any other powers and duties necessary for
8 effectuating the purposes of this Act.

9 (b) The Department may adopt rules consistent with the
10 provisions of this Act for its administration and enforcement
11 and may prescribe forms that shall be issued in connection
12 with this Act. The rules may include but are not limited to
13 standards and criteria for registration, professional
14 conduct, and discipline.

15 Section 20. Illinois Administrative Procedure Act; rules.

16 (a) The Illinois Administrative Procedure Act is
17 expressly adopted and incorporated in this Act as if all of
18 the provisions of the Illinois Administrative Procedure Act
19 were included in this Act, except that the provision of
20 subsection (d) of Section 10-65 of the Illinois
21 Administrative Procedure Act that provides that at hearings
22 the registrant has the right to show compliance with all
23 lawful requirements for retention, continuation, or renewal
24 of the registration is specifically excluded. For purposes of
25 this Act, the notice required under Section 10-25 of the
26 Illinois Administrative Procedure Act is deemed sufficient
27 when mailed to the last known address of a party.

28 (b) The Director may promulgate rules for the
29 administration and enforcement of this Act and may prescribe
30 forms to be issued in connection with this Act.

31 Section 25. Application for registration. An

1 application for an initial registration shall be made to the
2 Department in writing on forms prescribed by the Department
3 and shall be accompanied by the required nonrefundable fee.
4 An application shall require information that, in the
5 judgment of the Department, will enable the Department to
6 evaluate the qualifications of an applicant for registration.

7 If an applicant fails to obtain a certificate of
8 registration under this Act within 3 years after filing his
9 or her application, the application shall be denied. The
10 applicant may make a new application, which shall be
11 accompanied by the required nonrefundable fee.

12 Section 30. Social Security Number on registration
13 application. In addition to any other information required
14 to be contained in the application, every application for an
15 original, renewal, or restored certificate of registration
16 under this Act shall include the applicant's Social Security
17 Number.

18 Section 35. Title protection. No person shall hold
19 himself or herself out as a surgical assistant or surgical
20 technologist without being so registered by the Department.

21 Section 40. Application of Act. This Act shall not be
22 construed to prohibit the following:

23 (1) A person licensed in this State under any other
24 Act from engaging in the practice for which he or she is
25 licensed, including but not limited to a physician
26 assistant or nurse performing surgery-related tasks
27 within the scope of his or her license, nor are these
28 individuals required to be registered under this Act.

29 (2) A person from engaging in practice as a
30 surgical assistant or surgical technologist in the
31 discharge of his or her official duties as an employee of

1 the United States government.

2 (3) One or more registered surgical assistants from
3 forming a professional service corporation in accordance
4 with the Professional Service Corporation Act and
5 applying for licensure as a corporation providing
6 surgical assistant services.

7 (4) A student engaging in practice as a surgical
8 assistant or surgical technologist under the direct
9 supervision of a physician licensed to practice medicine
10 in all of its branches as part of his or her program of
11 study at a school approved by the Department or in
12 preparation to qualify for the examination as prescribed
13 under Sections 50 and 55 of this Act.

14 (5) A person from assisting in surgery at an
15 operating physician's discretion.

16 (6) A hospital, health system or network, or other
17 organization that provides surgery-related services from
18 employing individuals that the organization considers
19 competent to assist in surgery. These entities are not
20 required to utilize registered surgical assistants or
21 registered surgical technologists when providing
22 surgery-related services to their patients.

23 Section 45. Scope of practice of a surgical assistant.

24 (a) The practice of a surgical assistant includes the
25 following as long as the surgical assistant is working under
26 the direct supervision of an operating physician:

27 (1) positioning of the patient;

28 (2) preparation and draping of the patient for the
29 operative procedure;

30 (3) visualization of the operative site during the
31 operative procedure;

32 (4) provision of the best possible exposure of the
33 anatomy incident to the procedure;

1 (5) assisting in closure of incisions and wound
2 dressings; and

3 (6) performance of any task required by the surgeon
4 incident to the particular procedure being performed.

5 (b) Nothing in this Act shall be construed to allow
6 surgical assistants to administer any type of medication.

7 Section 50. Registration requirements; surgical
8 assistant. A person shall qualify for registration as a
9 surgical assistant if he or she has applied in writing on the
10 prescribed form, has paid the required fees, and meets all of
11 the following requirements:

12 (1) Is at least 21 years of age.

13 (2) Has not violated a provision of Section 95 of
14 this Act. In addition the Department may take into
15 consideration any felony conviction of the applicant, but
16 a conviction shall not operate as an absolute bar to
17 registration.

18 (3) Has completed a medical education program
19 approved by the Department or has graduated from a United
20 States Military Program that emphasized surgical
21 assisting.

22 (4) Has successfully completed a national
23 certifying examination approved by the Department.

24 (5) Has submitted a notarized letter from a
25 sponsoring physician verifying the surgical assistant's
26 expertise in each specialty in which the surgical
27 assistant will be working.

28 (6) Is currently certified by the National Surgical
29 Assistant Association on the Certification of Surgical
30 Assistants, the Liaison Council on Certification for the
31 Surgical Technologist as a certified first assistant, or
32 the American Board of Surgical Assisting.

1 Section 55. Registration requirements; surgical
2 technologist. A person shall qualify for registration as a
3 surgical technologist if he or she has applied in writing on
4 the prescribed form, has paid the required fees, and meets
5 all of the following requirements:

6 (1) Is at least 18 years of age.

7 (2) Has not violated a provision of Section 95 of
8 this Act. In addition the Department may take into
9 consideration any felony conviction of the applicant, but
10 a conviction shall not operate as an absolute bar to
11 registration.

12 (3) Has completed a surgical technologist program
13 approved by the Department.

14 (4) Has successfully completed the surgical
15 technologist national certification examination provided
16 by the Liaison Council on Certification for the Surgical
17 Technologist or its successor agency.

18 (6) Is currently certified by the Liaison Council
19 on Certification for the Surgical Technologist or its
20 successor agency and has met the requirements set forth
21 for certification.

22 Section 60. Supervision requirement. A person
23 registered under this Act shall practice as a surgical
24 assistant only under the direct supervision of the operating
25 physician.

26 Section 65. Expiration; restoration; renewal. The
27 expiration date and renewal period for each certificate of
28 registration issued under this Act shall be set by the
29 Department by rule. Renewal shall be conditioned on paying
30 the required fee and meeting other requirements as may be
31 established by rule.

32 A registrant who has permitted his or her

1 registration to expire or who has had his or her
2 registration on inactive status may have the registration
3 restored by making application to the Department, by
4 filing proof acceptable to the Department of his or her
5 fitness to have the registration restored, and by
6 paying the required fees. Proof of fitness may include
7 sworn evidence certifying to active lawful practice in
8 another jurisdiction.

9 If the registrant has not maintained an active practice
10 in another jurisdiction satisfactory to the Department,
11 the Department shall determine, by an evaluation program
12 established by rule, his or her fitness for
13 restoration of the registration and shall establish
14 procedures and requirements for restoration. However, a
15 registrant whose registration expired while he or she was
16 (1) in federal service on active duty with the Armed Forces
17 of the United States or the State Militia called into
18 service or training or (2) in training or education under
19 the supervision of the United States before induction
20 into the military service, may have the registration restored
21 without paying any lapsed renewal fees if within 2 years
22 after honorable termination of the service, training, or
23 education he or she furnishes the Department with
24 satisfactory evidence to the effect that he or she has
25 been so engaged and that his or her service, training, or
26 education has been so terminated.

27 Section 70. Inactive status. A registrant who notified
28 the Department in writing on forms prescribed by the
29 Department may elect to place his or her registration on
30 inactive status and shall, subject to rules of the
31 Department, be excused from payment of renewal fees until he
32 or she notifies the Department in writing of his or her
33 intention to restore the registration. A registrant

1 requesting restoration from inactive status shall pay the
2 current renewal fee and shall restore his or her registration
3 in accordance with Section 65 of this Act. A registrant whose
4 license is on inactive status shall not hold himself or
5 herself out as a registered surgical assistant or registered
6 surgical technologist. To do so shall be grounds for
7 discipline under Section 80 of this Act.

8 Section 75. Fees; returned checks.

9 (a) The Department shall set by rule fees for the
10 administration of this Act, including but not limited to fees
11 for initial and renewal registration and restoration of a
12 certificate of registration.

13 (b) A person who delivers a check or other payment
14 to the Department that is returned to the Department
15 unpaid by the financial institution upon which it
16 is drawn shall pay to the Department, in addition to the
17 amount already owed to the Department, a fine of \$50. The
18 fines imposed by this Section are in addition to any
19 other discipline provided under this Act. The Department
20 shall notify the person that fees and fines shall be paid to
21 the Department by certified check or money order
22 within 30 calendar days of the notification. If, after the
23 expiration of 30 days from the date of the notification, the
24 person has failed to submit the necessary remittance, the
25 Department shall automatically terminate the registration or
26 deny the application without a hearing. If the person seeks
27 a license after termination or denial, he or she shall apply
28 to the Department for restoration or issuance of the license
29 and pay all fees and fines due to the Department. The
30 Department may establish a fee for the processing of an
31 application for restoration of a license to defray the
32 expenses of processing the application. The Director may
33 waive the fines due under this Section in individual cases if

1 the Director finds that the fines would be unreasonable or
2 unnecessarily burdensome.

3 (c) All of the fees and fines collected under this Act
4 shall be deposited into the General Professions Dedicated
5 Fund. All moneys in the Fund shall be used by the Department,
6 as appropriated, for the ordinary and contingent expenses of
7 the Department.

8 Section 80. Grounds for disciplinary action.

9 (a) The Department may refuse to issue, renew, or
10 restore a registration, may revoke or suspend a registration,
11 or may place on probation, censure, reprimand, or take other
12 disciplinary action with regard to a person registered under
13 this Act, including but not limited to the imposition of
14 fines not to exceed \$5,000 for each violation, for any one or
15 combination of the following causes:

16 (1) Making a material misstatement in furnishing
17 information to the Department.

18 (2) Violating a provision of this Act or its rules.

19 (3) Conviction under the laws of a United States
20 jurisdiction of a crime that is a felony or a
21 misdemeanor, an essential element of which is dishonesty,
22 or of a crime that is directly related to the practice as
23 a surgical assistant.

24 (4) Making a misrepresentation for the purpose of
25 obtaining, renewing, or restoring a registration.

26 (5) Wilfully aiding or assisting another person in
27 violating a provision of this Act or its rules.

28 (6) Failing to provide information within 60 days
29 in response to a written request made by the Department.

30 (7) Engaging in dishonorable, unethical, or
31 unprofessional conduct of a character likely to deceive,
32 defraud, or harm the public, as defined by rule of the
33 Department.

1 (8) Discipline by another United States
2 jurisdiction or foreign nation, if at least one of the
3 grounds for discipline is the same or substantially
4 equivalent to those set forth in this Section.

5 (9) Directly or indirectly giving to or receiving
6 from a person, firm, corporation, partnership, or
7 association a fee, commission, rebate, or other form of
8 compensation for professional services not actually or
9 personally rendered.

10 (10) A finding by the Department that the
11 registrant, after having his or her registration placed
12 on probationary status, has violated the terms of
13 probation.

14 (11) Wilfully making or filing false records or
15 reports in his or her practice, including but not limited
16 to false records or reports filed with State agencies.

17 (12) Wilfully making or signing a false statement,
18 certificate, or affidavit to induce payment.

19 (13) Wilfully failing to report an instance of
20 suspected child abuse or neglect as required under the
21 Abused and Neglected Child Reporting Act.

22 (14) Being named as a perpetrator in an indicated
23 report by the Department of Children and Family Services
24 under the Abused and Neglected Child Reporting Act and
25 upon proof by clear and convincing evidence that the
26 licensee has caused a child to be an abused child or
27 neglected child as defined in the Abused and Neglected
28 Child Reporting Act.

29 (15) Employment of fraud, deception, or any
30 unlawful means in applying for or securing a license as a
31 surgical assistant.

32 (16) Failure to report to the Department (A) any
33 adverse final action taken against the licensee by
34 another licensing jurisdiction, government agency, law

1 enforcement agency, or any court or (B) liability for
2 conduct that would constitute grounds for action as set
3 forth in this Section.

4 (17) Habitual intoxication or addiction to the use
5 of drugs.

6 (18) Physical illness, including but not limited to
7 deterioration through the aging process or loss of motor
8 skills, which results in the inability to practice the
9 profession for which he or she is registered with
10 reasonable judgment, skill, or safety.

11 (19) Gross malpractice resulting in permanent
12 injury or death of a patient.

13 (20) Immoral conduct in the commission of an act
14 related to the registrant's practice, including but not
15 limited to sexual abuse, sexual misconduct, or sexual
16 exploitation.

17 (21) Violation the Health Care Worker Self-Referral
18 Act.

19 (b) The Department may refuse to issue or may suspend
20 the registration of a person who fails to file a return, to
21 pay the tax, penalty, or interest shown in a filed return, or
22 to pay a final assessment of the tax, penalty, or interest as
23 required by a tax Act administered by the Department of
24 Revenue, until the requirements of the tax Act are satisfied.

25 (c) The determination by a circuit court that a
26 registrant is subject to involuntary admission or judicial
27 admission as provided in the Mental Health and Developmental
28 Disabilities Code operates as an automatic suspension. The
29 suspension will end only upon (1) a finding by a court that
30 the patient is no longer subject to involuntary admission or
31 judicial admission, (2) issuance of an order so finding and
32 discharging the patient, and (3) the recommendation of the
33 Department to the Director that the registrant be allowed to
34 resume his or her practice.

1 Section 85. Cease and desist order.

2 (a) If a person violates a provision of this Act, the
3 Director, in the name of the People of the State of Illinois
4 through the Attorney General of the State of Illinois, or the
5 State's Attorney of a county in which the violation occurs,
6 may petition for an order enjoining the violation or for an
7 order enforcing compliance with this Act. Upon the filing of
8 a verified petition in court, the court may issue a temporary
9 restraining order without notice or bond and may
10 preliminarily and permanently enjoin the violation. If it is
11 established that the registrant has violated or is violating
12 the injunction, the court may punish the offender for
13 contempt of court. Proceedings under this Section shall be
14 in addition to, and not in lieu of, all other remedies and
15 penalties provided by this Act.

16 (b) If a person holds himself or herself out as a
17 surgical assistant or surgical technologist without being
18 registered under this Act, then any registrant under this
19 Act, interested party, or person injured thereby, in addition
20 to the Director or State's Attorney, may petition for relief
21 as provided in subsection (a) of this Section.

22 (c) If the Department determines that a person violated
23 a provision of this Act, the Department may issue a rule to
24 show cause why an order to cease and desist should not be
25 entered against him or her. The rule shall clearly set forth
26 the grounds relied upon by the Department and shall provide a
27 period of 7 days from the date of the rule to file an answer
28 to the satisfaction of the Department. Failure to answer to
29 the satisfaction of the Department shall cause an order to
30 cease and desist to be issued immediately.

31 Section 90. Investigation; notice; hearing.
32 Certificates of registration may be refused, revoked,
33 suspended, or otherwise disciplined in the manner provided by

1 this Act and not otherwise. The Department may upon its own
2 motion and shall upon the verified complaint in writing of
3 any person setting forth facts that if proven would
4 constitute grounds for refusal to issue or for suspension or
5 revocation under this Act, investigate the actions of a
6 person applying for, holding, or claiming to hold a
7 certificate of registration. The Department shall, before
8 refusing to issue or renew, suspending, or revoking a
9 certificate of registration or taking other discipline
10 pursuant to Section 80 of this Act, and at least 30 days
11 prior to the date set for the hearing, notify in writing the
12 applicant or licensee of any charges made, shall afford the
13 applicant or registration an opportunity to be heard in
14 person or by counsel in reference to the charges, and direct
15 the applicant or registrant to file a written answer to the
16 Department under oath within 20 days after the service of the
17 notice and inform the applicant or registrant that failure to
18 file an answer will result in default being taken against the
19 applicant or registrant and that the certificate of
20 registration may be suspended, revoked, placed on
21 probationary status, or other disciplinary action may be
22 taken, including limiting the scope, nature, or extent of
23 practice, as the Director may deem proper. Written notice
24 may be served by personal delivery to the applicant or
25 registrant or by mailing the notice by certified mail to his
26 or her last known place of residence or to the place of
27 business last specified by the applicant or registrant in his
28 or her last notification to the Department. If the person
29 fails to file an answer after receiving notice, his or her
30 certificate of registration may, in the discretion of the
31 Department, be suspended, revoked, or placed on probationary
32 status or the Department may take whatever disciplinary
33 action deemed proper, including limiting the scope, nature,
34 or extent of the person's practice or the imposition of a

1 fine, without a hearing, if the act or acts charged
2 constitute sufficient grounds for such action under this Act.
3 At the time and place fixed in the notice, the Department
4 shall proceed to hearing of the charges and both the
5 applicant or registrant and the complainant shall be afforded
6 ample opportunity to present, in person or by counsel, any
7 statements, testimony, evidence, and arguments that may be
8 pertinent to the charges or to their defense. The Department
9 may continue a hearing from time to time. The Department may
10 continue a hearing for a period not to exceed 30 days.

11 Section 95. Record of proceedings. The Department, at its
12 expense, shall preserve a record of all proceedings at a
13 formal hearing conducted pursuant to Section 90 of this Act.
14 The notice of hearing, complaint, and all other documents in
15 the nature of pleadings and written motions filed in the
16 proceedings, the transcript of testimony, the report of the
17 Department or hearing officer, and orders of the Department
18 shall be the record of the proceeding. The Department shall
19 supply a transcript of the record to a person interested in
20 the hearing on payment of the fee required under Section
21 2105-115 of the Department of Professional Regulation Law of
22 the Civil Administrative Code of Illinois.

23 Section 100. Order for production of documents. A circuit
24 court may, upon application of the Department or its
25 designee, or of the applicant or registration against whom
26 proceedings pursuant to Section 90 of this Act are pending,
27 enter an order requiring the attendance of witnesses and
28 their testimony and the production of documents, papers,
29 files, books, and records in connection with a hearing or
30 investigation authorized by this Act. The court may compel
31 obedience to its order through contempt proceedings.

1 Section 105. Subpoena power. The Department has the power
2 to subpoena and bring before it any person in this State and
3 to take testimony orally or by deposition, with the same fees
4 and mileage and in the same manner as prescribed by law in
5 judicial proceedings in civil cases in circuit courts of this
6 State. The Director shall have the authority to administer,
7 at any hearing that the Department is authorized to conduct
8 under this Act, oaths to witnesses and any other oaths
9 authorized to be administered by the Department under this
10 Act.

11 Section 110. Disciplinary report. At the conclusion of
12 the hearing, the Department shall present to the Director a
13 written report of its findings of fact, conclusions of law,
14 and recommendations. In the report, the Department shall
15 make a finding of whether or not the charged registrant or
16 applicant violated a provision of this Act or its rules and
17 shall specify the nature of the violation. In making its
18 recommendations for discipline, the Department may take into
19 consideration all facts and circumstances bearing upon the
20 reasonableness of the conduct of the respondent and the
21 potential for future harm to the public, including but not
22 limited to previous discipline of that respondent by the
23 Department, intent, degree of harm to the public and
24 likelihood of harm in the future, any restitution made, and
25 whether the incident or incidents complained of appear to be
26 isolated or a pattern of conduct. In making its
27 recommendations for discipline, the Department shall seek to
28 ensure that the severity of the discipline recommended bears
29 some reasonable relationship to the severity of the
30 violation.

31 Section 115. Motion for rehearing. In a case involving
32 the refusal to issue or renew a registration or the

1 discipline of a registrant, a copy of the Department's report
2 shall be served upon the respondent by the Department,
3 either personally or as provided under Section 20 of this Act
4 for the service of the notice of hearing. Within 20 days
5 after the service, the respondent may present to the
6 Department a motion in writing for a rehearing, which shall
7 specify the particular grounds for a rehearing. If no motion
8 for rehearing is filed, then upon the expiration of the
9 time specified for filing the motion, or if a motion for
10 rehearing is denied, then upon the denial the Director may
11 enter an order in accordance with recommendations of
12 the Department, except as provided in Section 120 or 125 of
13 this Act. If the respondent orders a transcript of the
14 record from the reporting service and pays for the transcript
15 within the time for filing a motion for rehearing, the 20-day
16 period within which such a motion may be filed shall commence
17 upon the delivery of the transcript to the respondent.

18 Section 120. Order of Director.

19 (a) The Director shall issue an order concerning the
20 disposition of the charges (i) following the expiration of
21 the filing period granted under Section 115 of this Act if no
22 motion for rehearing is filed or (ii) following a denial of a
23 timely motion for rehearing.

24 (b) The Director's order shall be based on the
25 recommendations contained in the Department report unless,
26 after giving due consideration to the Department's report,
27 the Director disagrees in any regard with the report of the
28 Department, in which case he or she may issue an order in
29 contravention of the report. The Director shall provide a
30 written report to the Department on any deviation from the
31 Department's report and shall specify with particularity the
32 reasons for his or her deviation in the final order. The
33 Department's report and Director's order are not admissible

1 in evidence against the person in a criminal prosecution
2 brought for a violation of this Act, but the hearing, report,
3 and order are not a bar to a criminal prosecution brought for
4 the violation of this Act.

5 Section 125. Hearing officer. The Director shall have the
6 authority to appoint an attorney licensed to practice law in
7 this State to serve as the hearing officer in a hearing
8 authorized under Section 90 of this Act. The hearing officer
9 shall have full authority to conduct the hearing. The
10 hearing officer shall report his or her findings of fact,
11 conclusions of law, and recommendations to the Department. If
12 the Director disagrees in any regard with the report of the
13 Department, he or she may issue an order in contravention of
14 the report. The Director shall provide a written explanation
15 to the Department on a deviation from the Department's report
16 and shall specify with particularity the reasons for his or
17 her deviation in the final order.

18 Section 130. Rehearing on order of Director. Whenever the
19 Director is not satisfied that substantial justice has been
20 achieved in the discipline of a registration, the Director
21 may order a rehearing by the same or another hearing officer.

22 Section 135. Order; prima facie proof. An order or a
23 certified copy of an order, over the seal of the Department
24 and purporting to be signed by the Director, shall be prima
25 facie proof that:

26 (1) the signature is the genuine signature of the
27 Director; and

28 (2) the Director is duly appointed and qualified.

29 Section 140. Restoration of registration. At any time
30 after the suspension or revocation of a certificate of

1 registration, the Department may restore it to the registrant
2 unless, after an investigation and a hearing, the Department
3 determines that restoration is not in the public interest.
4 Where circumstances of suspension or revocation so indicate,
5 the Department may require an examination of the registrant
6 before restoring his or her certificate of registration.

7 Section 145. Surrender of certificate of registration.
8 Upon the revocation or suspension of a certificate of
9 registration, the registrant shall immediately surrender the
10 certificate of registration to the Department. If the
11 registrant fails to do so, the Department shall have the
12 right to seize the certificate of registration.

13 Section 150. Temporary suspension. The Director may
14 temporarily suspend the registration of a surgical assistant
15 without a hearing, simultaneously with the institution of
16 proceedings for a hearing provided for in Section 90 of this
17 Act, if the Director finds that evidence in his or her
18 possession indicates that continuation in practice would
19 constitute an imminent danger to the public. If the Director
20 temporarily suspends a license without a hearing, a hearing
21 by the Department shall be held within 30 days after the
22 suspension has occurred and shall be concluded without
23 appreciable delay.

24 Section 155. Certificate of record. The Department shall
25 not be required to certify any record to a court or file an
26 answer in court or otherwise appear in a court in a judicial
27 review proceeding unless there is filed in the court, with
28 the complaint, a receipt from the Department acknowledging
29 payment of the costs of furnishing and certifying the record.
30 Failure on the part of the plaintiff to file a receipt in
31 court shall be grounds for dismissal of the action.

1 Section 160. Administrative Review Law. All final
2 administrative decisions of the Department are subject to
3 judicial review under the Administrative Review Law and its
4 rules. The term "administrative decision" is defined as in
5 Section 3-101 of the Code of Civil Procedure. Proceedings for
6 judicial review shall be commenced in the circuit court of
7 the county in which the party seeking review resides. If the
8 party seeking review is not a resident of this State, venue
9 shall be in Sangamon County.

10 Section 165. Criminal penalties. A person who is found
11 to have knowingly violated Section 35 of this Act is guilty
12 of a Class A misdemeanor for a first offense and is guilty of
13 a Class 4 felony for a second or subsequent offense.

14 Section 170. Civil penalties.

15 (a) In addition to any other penalty provided by law, a
16 person who violates Section 35 of this Act shall pay a civil
17 penalty to the Department in an amount not to exceed \$5,000
18 for each offense as determined by the Department. The civil
19 penalty shall be assessed by the Department after a
20 hearing is held in accordance with the provisions set forth
21 in this Act regarding a hearing for the discipline of a
22 licensee.

23 (b) The Department has the authority and power to
24 investigate any and all unregistered activity.

25 (c) The civil penalty assessed under this Act shall be
26 paid within 60 days after the effective date of the order
27 imposing the civil penalty. The order shall constitute a
28 judgment and may be filed and execution had on the judgment
29 in the same manner as a judgment from a court of record.

30 Section 175. Home rule powers. The regulation of
31 surgical assistants and surgical technologists is an

1 exclusive power and function of the State. A home rule unit
2 shall not regulate surgical assistants or surgical
3 technologists. This Section is a limitation under subsection
4 (h) of Section 6 of Article VII of the Illinois Constitution.

5 Section 900. The Regulatory Sunset Act is amended by
6 changing Section 4.24 as follows:

7 (5 ILCS 80/4.24)

8 Sec. 4.24. Acts repealed on January 1, 2014. The
9 following Acts are repealed on January 1, 2014:

10 The Electrologist Licensing Act.

11 The Illinois Public Accounting Act.

12 The Registered Surgical Assistant and Registered Surgical
13 Technologist Title Protection Act.

14 (Source: P.A. 92-457, eff. 8-21-01; 92-750, eff. 1-1-03.)

15 Section 960. The Perfusionist Licensing Act is amended by
16 changing Sections 10 and 25 as follows:

17 (225 ILCS 125/10)

18 (Section scheduled to be repealed on January 1, 2010)

19 Sec. 10. Definitions. As used in this Act:

20 "Board" means the Board of Perfusion and Surgical
21 Assisting.

22 "Department" means the Department of Professional
23 Regulation.

24 "Director" means the Director of Professional Regulation.

25 "Extracorporeal circulation" means the diversion of a
26 patient's blood through a heart-lung machine or a similar
27 device that assumes the functions of the patient's heart,
28 lungs, kidney, liver, or other organs.

29 "New graduate perfusionist" means a perfusionist
30 practicing within a period of one year since the date of

1 graduation from a Commission on Accreditation of Allied
2 Health Education Programs accredited perfusion education
3 program.

4 "Perfusion" means the functions necessary for the
5 support, treatment, measurement, or supplementation of the
6 cardiovascular systems or other organs, or a combination of
7 those functions, and to ensure the safe management of
8 physiologic functions by monitoring and analyzing the
9 parameters of the systems under an order and under the
10 supervision of a physician licensed to practice medicine in
11 all its branches.

12 "Perfusionist" means a person, qualified by academic and
13 clinical education, to operate the extracorporeal circulation
14 equipment during any medical situation where it is necessary
15 to support or replace a person's cardiopulmonary,
16 circulatory, or respiratory function. A perfusionist is
17 responsible for the selection of appropriate equipment and
18 techniques necessary for support, treatment, measurement, or
19 supplementation of the cardiopulmonary and circulatory system
20 of a patient, including the safe monitoring, analysis, and
21 treatment of physiologic conditions under an order and under
22 the supervision of a physician licensed to practice medicine
23 in all its branches and in coordination with a registered
24 professional nurse.

25 "Perfusion protocols" means perfusion related policies
26 and protocols developed or approved by a licensed health
27 facility or a physician through collaboration with
28 administrators, licensed perfusionists, and other health care
29 professionals.

30 "Physician" or "operating physician" means a person
31 licensed to practice medicine in all of its branches under
32 the Medical Practice Act of 1987.

33 (Source: P.A. 91-580, eff. 1-1-00.)

1 (225 ILCS 125/25)

2 Sec. 25. Board of Perfusion and Surgical Assisting. The
3 Director shall appoint a Board of Perfusion and Surgical
4 Assisting to consist of 7 5 persons who shall be appointed by
5 and shall serve in an advisory capacity to the Director. Two
6 members must hold an active license to engage in the practice
7 of perfusion in this State, one member must be a physician
8 licensed under the Medical Practice Act of 1987 who is board
9 certified in and actively engaged in the practice of
10 cardiothoracic surgery, one member must be a licensed
11 registered professional nurse certified by the Association of
12 Operating Room Nurses, one member must be actively registered
13 as a surgical assistant under the Registered Surgical
14 Assistant and Registered Surgical Technologist Title
15 Protection Act, one member must be actively registered as a
16 surgical technologist under the Registered Surgical Assistant
17 and Registered Surgical Technologist Title Protection Act,
18 and one member must be a member of the public who is not
19 licensed under this Act, the Registered Surgical Assistant
20 and Registered Surgical Technologist Title Protection Act, or
21 a similar Act of another jurisdiction and who has no
22 connection with the profession. The initial appointees who
23 would otherwise be required to be licensed perfusionists
24 shall instead be individuals who have been practicing
25 perfusion for at least 5 years and who are eligible under
26 this Act for licensure as perfusionists.

27 Members shall serve 4-year terms and until their
28 successors are appointed and qualified, except that, of the
29 initial appointments, 2 members shall be appointed to serve
30 for 2 years, 2 members shall be appointed to serve for 3
31 years, and 3 members ~~1-member~~ shall be appointed to serve for
32 4 years, and until their successors are appointed and
33 qualified. No member shall be reappointed to the Board for a
34 term that would cause his or her continuous service on the

1 Board to be longer than 8 consecutive years. Appointments to
2 fill vacancies shall be made in the same manner as original
3 appointments for the unexpired portion of the vacated term.
4 Initial terms shall begin upon the effective date of this
5 Act.

6 The Board shall annually elect a chairperson and a
7 vice-chairperson who shall preside in the absence of the
8 chairperson. The membership of the Board should reasonably
9 reflect representation from the various geographic areas in
10 this State. The Director may terminate the appointment of
11 any member for cause. The Director may give due
12 consideration to all recommendations of the Board. A
13 majority of the Board members currently appointed shall
14 constitute a quorum. A vacancy in the membership of the
15 Board shall not impair the right of a quorum to exercise the
16 rights and perform all the duties of the Board. Members of
17 the Board shall have no liability in any action based upon
18 any disciplinary proceeding or other activity performed in
19 good faith as a member of the Board.

20 (Source: P.A. 91-580, eff. 1-1-00.)

21 Section 999. Effective date. This Act takes effect
22 January 1, 2004."